

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RICHARD CLEVELAND, JOHN M. RUFFIN,
MARC NORFLEET, and KIMONTHY RANDALL
Plaintiff,

vs.

BOB BLUM, PERCEY MYERS, CHRISTINE BROWN,
ROB JEFFREYS, WEXFORD HEALTH SOURCE, INC.,
AND ILLINOIS DEPARTMENT OF CORRECTIONS,

Defendants.

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11/14/22 by CB 3 pages
Date Initials No.

Case No. 22-cv-456-NJR

PLAINTIFF'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

NOW COMES the Plaintiff, Richard Cleveland, pro-se, by and through himself, pursuant to Federal Rules of Civil Procedure 15(a)(2), and hereby submit his Motion for Leave to File Amended Complaint. In support thereof, Plaintiff states as follows:

1. Plaintiff is currently housed at the Pinckneyville Correctional Center, Pinckneyville, Illinois (Perry County).
2. On April 29, 2022, Hon. Chief Rosenstengel conducted a preliminary review of Cleveland's complaint pursuant to 28 U.S.C. § 1915A. Hon. Rosenstengel ruled as to count 1, Cleveland fails to state a deliberate indifference claim. Although he lists Blum, Myers, Brown, Crow, Dennison, Mitchell, and Jeffreys in Count 1, he fails to state any factual allegations to suggest they acted with deliberate indifference in obtaining treatment. Hon. Rosenstengel dismissed count 1 without prejudice as inadequately pled under the Twombly pleading standard.
3. Chief Judge Rosenstengel ruled count 2 shall proceed against Rob Jeffreys, in his official capacity only. Defendants Bob Blum, Percy Myers, Christine Brown, Crystal Crow, JEFFERY Dennison, DAVID Mitchell, and IDOC are dismissed without prejudice.

3. Here, Plaintiff seeks added new Plaintiffs and Defendants and claims, such as:

- a. Added Plaintiffs John M. Ruffin, Marc Norfleet, and KIMON THY RANDALL
- b. Added Claims "unconstitutional Condition of confinement" overcrowding, Class § Claims of violations of the Americans with Disabilities Act and Rehabilitation Act, section 504;

4. Plaintiff Cleveland also seeks have his Amended Complaint Counts III & IV claims to be Certified as a Class Actions Suit.

5. Plaintiff Cleveland also seek to have his Amended Complaint Counts I & II claims to remain his individual claims.

6. Plaintiff Cleveland assert and contends that his new claims arise from the same facts alleged in the originally pleadings; and Amended claims is to cure the deficiencies in his originally pleadings.

7. Plaintiff Cleveland knows that as a pro-se litigants are not permitted to represent classes. However, he wish that this Honorable court to appoint counsel to represent him and named Plaintiffs (as described in ¶13) in a class action suit. And Plaintiff Cleveland file Motion for Certification of the class.

8. Since the filing of the complaint Plaintiff Cleveland has determined that new added Defendants Dr. Percy Myers, Nurse Practitioner Bob Blum, Christine Brown, and Wexford Health Source, Inc were all in concert to deprive him of access to adequate medical treatment (See Attached Amended Complaint paragraphs 12 through 62). These Amendments will cure the deficiencies in his original complaint that this court deem was not a viable claim.

9. Plaintiff Cleveland added claims against Defendants IDOC, Rob Jeffreys

NOTE 1: Plaintiff Cleveland seek Appointment of Counsel to represent him and class Plaintiffs for the Class Actions claims

violated his rights under the Federal statutes Americans with Disabilities Act, 42 U.S.C. § 12132 and the Rehabilitation Act, 29 U.S.C. § 794(a); and violation of the Eighth Amendment ban on Cruel and Unusual Punishment, overcrowding conditions. (Refer to attached Proposed Amended Complaint, paragraphs 63 through 106, 112 through 118, 136 through 150).

10. Plaintiff Cleveland assert and contends that he do not bring his Amended complaint in bad faith or dilatory motive or undue prejudice to the opposing Defendant.

11. Most Federal courts freely grants leave to Amend complaints.see Griffin v. County School Board of Prince Edward County, 377 U.S. 218, 277 1964).

WHEREFORE, Plaintiff Cleveland respectfully request that this Honorable Court grant him leave to make Amendments to his original complaint. And any other remedy this court deems appropriate.

RESPECTFULLY SUBMITTED,

BY: Richard Cleveland
Mr. Richard Cleveland, #Y-38042
Pinckneyville Corr. Ctr.
5835 State Route 154
Pinckneyville, IL., 62274



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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
prisoner.esl@ilsd.uscourts.gov

ELECTRONIC FILING COVER SHEET

Please complete this form and include it when submitting any type of document, letter, pleading, etc. to the U.S. District Court for the Southern District of Illinois for review and filing.

Richard Cleveland
Name

438042
ID Number

Please answer questions as thoroughly as possible and circle yes or no where indicated.

1. Is this a new civil rights complaint or habeas corpus petition?

Yes or No

If this is a habeas case, please circle the related statute: 28 U.S.C. 2241 or 28 U.S.C. 2254

2. Is this an Amended Complaint or an Amended Habeas Petition?

Yes or No

If yes, please list case number: _____

If yes, but you do not know the case number mark here: _____

3. Should this document be filed in a pending case?

Yes or No

If yes, please list case number: 22-CV-456-NJR

If yes, but you do not know the case number mark here: _____

4. Please list the total number of pages being transmitted:

49

5. If multiple documents, please identify each document and the number of pages for each document. For example: Motion to Proceed In Forma Pauperis, 6 pages; Complaint, 28 pages.

Name of Document

Number of Pages

Plaintiff's Motion to File

3

Amended Complaint

32

Proposed Amended Complaint

3

Plaintiff's Second Motion for

4

Appointment of Counsel

7

Plaintiff's Motion for Certification Class Action

7

Plaintiff's Addendum to Motion

7

Please note that discovery requests and responses are NOT to be filed, and should be forwarded to the attorney(s) of record. Discovery materials sent to the Court will be returned unfiled.